

Message Text

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PAGE 01 GENEVA 05317 01 OF 02 010044Z

ACTION IO-14

INFO OCT-01 AF-10 ARA-10 NEA-10 ISO-00 EB-07 L-03
NSC-05 NSCE-00 SSO-00 INRE-00 USIE-00 AID-05
CEA-01 CIAE-00 COME-00 EA-07 EUR-12 FRB-03 INR-07
NSAE-00 OPIC-03 SP-02 TRSE-00 LAB-04 EPG-02
SIL-01 AGRE-00 OMB-01 STR-04 /112 W
-----016204 010047Z /62

O R 300945Z JUN 77

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 8734

INFO ALL OECD CAPS

AMEMBASSY ALGIERS

AMEMBASSY BOGOTA

AMEMBASSY CARACAS

AMEMBASSY KINSHASA

AMEMBASSY LAGOS

AMEMBASSY MEXICO

AMEMBASSY TEHRAN

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 5317

C O R R E C T E D C O P Y-E.O., TAGS:, & SUBJ: LINES ADDED

USOECN, USEEC

EB/BOEKER; L/HANSEL; IO/FRANK

WHITE HOUSE FOR HENRY OWEN; TREASURY FOR MUNK AND HUFBAUER

E.O. 11652: GDS

TAGS: ECOSOC EINV EGEN UN

SUBJECT:ECOSOC WORKING GROUP ON CORRUPT PRACTICES

1. FROM OUTSET OF WORK ON ILLICIT PAYMENTS AFRICAN DELS
HAVE INSISTED THAT INTERNATIONAL AGREEMENT COVER PAYMENT
OF TAXES AND ROYALTIES AND OTHER TRANSFERS TO MINORITY REGIMES
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PAGE 02 GENEVA 05317 01 OF 02 010044Z

OF SOUTHERN AFRICA AS WELL AS BRIBERY. WE HAVE AGREED TO
DISCUSS THIS ISSUE IN THIS CONTEXT BUT HAVE MADE NO COMMIT-
MENT TO INCLUDE THIS ISSUE IN AN INTERNATIONAL AGREEMENT ON
BRIBERY. WE HAVE THOUGHT THIS IMPOSSIBLE BOTH BECAUSE OF
SUBSTANTIVE REACH OF AFRICAN PROPOSALS AND OBSTACLE ANY
PROVISIONS ON THIS ISSUE MIGHT PRESENT TO RATIFICATION
OF BRIBERY AGREEMENT BY EUROPEANS. HOWEVER, WE HAVE BEEN

PREPARED TO TAKE THIS ISSUE, WITH AFRICAN TEXTS IN BRACKETS, TO DIPLOMATIC CONFERENCE IN HOPE THAT AFRICAN CONCERNS MIGHT BE MET IN OTHER WAYS IN FUTURE MONTHS. IT NOW APPEARS LIKELY THAT G-77 WILL INSIST ON AGREEMENT IN PRINCIPLE BY WORKING GROUP AND ECOSOC THAT PAYMENTS TO RHODESIA AND IN RESPECT OF NAMIBIA BE INCLUDED IN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS AS A PRECONDITION OF FURTHER WORK ON THIS MATTER. WE WILL NEED INSTRUCTIONS BY FIRDAY MORNING ON THIS ISSUE.

2. IF AFRICANS SHOULD INSIST ON TEXTS THAT WOULD EXPAND US LEGAL OBLIGATIONS BEYOND THOSE PRESENTLY RECOGNIZED BY US., WE IMAGINE WE WILL HAVE NO CHOICE BUT TO REFUSE AGREEMENT EVEN IF THAT JEOPARDIZES BRIBERY INITIATIVE. HOWEVER, IIT SEEMS MORE LIKELY THAT AFRICANS WILL PERMIT TEXTS TO GO FORWARD TO DIPLOMATIC CONFERENCE WITH KEY PHRASES DISAGREED. THUS, ISSUE IS LIKELY TO BE WHETHER US IS PREPARED TO AGREE NOW THAT ULTIMATE AGREEMENT ON BRIBERY WOULD ALSO INCLUDE PROVISIONS ON PAYMENTS TO RHODESIA AND IN RESPECT OF NAMIBIA. THE DIFFICULTIES WITH THIS LINKAGE, AS WE SEE IT, ARE (1) IT MAKES NO SENSE TO CONCLUDE A TREATY AMONG A NUMBER OF STATES WHICH MERELY REITERATES OBLIGATIONS OF ALL UN MEMBERS UNDER CHARTER AND SECURITY COUNCIL DECISIONS, (2) IT IS DOUBTFUL WE WOULD BE WILLING TO ACCEPT NEW OBLIGATIONS IN THIS FORM AS OPPOSED TO ACTION BY SECURITY COUNCIL
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PAGE 03 GENEVA 05317 01 OF 02 010044Z

RESOLUTION IN WHICH WE CONCUR, AND (3) INCLUSION OF ANY TEXT ON THIS ISSUE COULD PROVIDE CONVENIENT EXCUSE FOR FRENCH AND OTHER EUROPEANS TO REFUSE TO RATIFY CONVENTION. HOWEVER, WE MUST RECOGNIZE THAT THIS ISSUE GIVES US GREAT LEVERAGE ON G-77 IN RESPECT TO BRIBERY INITIATIVE AND COULD INSURE ACCEPTATNCE OF US PROPOSALS FOR CONVENING A DIPLOMATIC CONFERENCE AT AN EARLY DATE. IT IS ALSO PROBABLE THAT INCLUSION OF PROVISIONS ON SOUTHERN AFRICA IN ULTIMATE AGREEMENT WOULD INSURE BROAD ACCEPTANCE OF AGREEMENT BY DEVELOPING COUNTRIES. IF SUBSTANCE OF THOSE PROVISIONS IS NOT TOO UNREASONABLE A NUMBER OF WESTERN COUNTRIES MIGHT FEEL ADDITIONAL PRESSURE TO ACCEPT AGREE-
MENT. ON THE OTHER HAND, THIS APPROACH WOULD OPEN POSSIBILITY OF SCENARIO IN WHICH US AND LDCS AGREE ON BRIBERY PROVISIONS SUCH AS REPORTING OF AGENTS' FEES WHICH REMAIN UNACCEPTABLE TO EUROPEANS AND WHICH WOULD THEN BE ENFORCED PRIMARILY BY LDCS AND US UNTIL THAT SITUATION FORCED PARTICIPATION BY OTHER INDUSTRIALIZED COUNTRIES. WE WOULD HAVE TO WEIGH SERIOUS POLITICAL COSTS OF THIS SCENARIO BEFORE TAKING THAT ROUTE.

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PAGE 01 GENEVA 05317 02 OF 02 301423Z
ACTION EB-07

INFO OCT-01 AF-10 ARA-10 NEA-10 IO-13 ISO-00 L-03
NSC-05 NSCE-00 SSO-00 INRE-00 USIE-00 AID-05
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NSAE-00 OPIC-03 SP-02 TRSE-00 LAB-04 EPG-02
SIL-01 AGRE-00 OMB-01 STR-04 /111 W
-----008792 301440Z /43

O R 300945Z JUN 77
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 8735
INFO ALL OECD CAPS
AMEMBASSY ALGIERS
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USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 5317

USOECD

USEEC

EB/BOEKER; L/HANSEL; IO/FRANK

WHITE HOUSE FOR HENRY OWEN; TREASURY FOR MUNK AND HUFBAUER

3. WE WOULD APPRECIATE YOUR PERSPECTIVES AND GUIDANCE.
AT THIS POINT WE ARE INCLINED TO AGREE IN PRINCIPLE
THAT THERE CAN BE AN AGREEMENT ON LEGALLY BINDING TEXTS
RELATING TO PAYMENTS TO RHODESIA AND IN RESPECT OF
NAMIBIA PROVIDED THAT (1) AFRICANS ARE REASONABLE ON
TEXTS THEY WOULD SEND TO DIPLOMATIC CONFERENCE, (2) IT
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PAGE 02 GENEVA 05317 02 OF 02 301423Z

IS MADE CLEAR NOW THAT U.S. WILL NOT ACCEPT SUBSTANTIVE LEGAL

OBLIGATIONS GOING BEYOND THOSE FLOWING FROM SECURITY COUNCIL DECISIONS ALTHOUGH WE MIGHT ACCEPT NEW PROCEDURES FOR MONITORING COMPLIANCE AND (3) G-77 AGREES THAT POSSIBILITY WOULD BE LEFT OPEN THAT ANY UNDERTAKINGS ON SOUTHERN AFRICA MIGHT BE ESTABLISHED IN AN INSTRUMENT SEPARATE FROM THE AGREEMENT ON BRIBERY. ON THIS LAT POINT, WE WOULD EXPECT THEM TO INSIST THAT THE TWO ISSUES WOULD BE NEGOTIATED IN TANDEM AND PRESUMABLY THE TWO TEXTS WOULD BE ESTABLISHED BY THE SAME DIPLOMATIC CONFERENCE. WE WOULD APPRECIATE YOUR CONCURRENCE IN THIS APPROACH AND YOUR GUIDANCE IN THE EVENT THE G-77 CANNOT ACCEPT ANY OF THE ABOVE CONDITIONS. SORENSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Executive Order: GS
Errors: N/A
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Status: NATIVE
Subject: ECOSOC WORKING GROUP ON CORRUPT PRACTICES
TAGS: EINV, EGEN, PORG, ETRD, XA, ECOSOC, UN
To: STATE EB
Type: TE
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